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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,357	09/25/2003	Qiang Fu	42P17274	3046
8791	7590	03/28/2006	EXAMINER	
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				ART UNIT
				PAPER NUMBER
				1765

DATE MAILED: 03/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/672,357	FU ET AL.	
	Examiner Binh X. Tran	Art Unit 1765	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 03 January 2006.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-6,8-21 and 28-30 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) 28-30 is/are allowed.
 6) Claim(s) 1-5, 8-9, 11-15, 17-19 is/are rejected.
 7) Claim(s) 6,10,16,20 and 21 is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 25 September 2003 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Response to Amendment

1. The amendment filed on 01-03-2006 is acknowledged. In the amendment, the applicants amended claims 1, 3, 5-6, 8, 11-12, and canceled claims 7, 22-27, and added new claims 28-30. The amendment is sufficient to overcome the examiner's previous 35 USC 102(e) rejections. In the previous office action, the examiner indicated that claims 16, 20-21 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. New claims 28-30 have been added to incorporate all of the limitations of allowable claims 16, 20-21. Thus, the examiner allows claims 28-30.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-5, 8-9, 11, 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang et al. (US 6,833,325) in view of Desphande et al. (US 6,869,542).

Respect to claim 1, Huang discloses a method comprising the steps of:
forming and patterning a deep UV resist layer (i.e. 193 photoresist mask) on a sacrificial light absorbing layer (i.e. bottom anti-reflective layer) disposed on a dielectric layer (i.e. SiO₂) (col. 9 lines 19-24);
etching the light absorbing layer (i.e. anti-reflective) using CF₄ gas and then etching the dielectric layer in a plasma generated from a gas C₄F₆ (carbon to fluorine ration is 4:6 = 2:3) to form substantially vertically sidewalls in the deep UV resist layer (See Fig 4, col. 9 line 25 to col. 10 line 15).

Huang fails to disclose that the carbon to fluorine ratio is from about 1:1 to 2:3 during the step of etching the light absorbing layer. However, Huang clearly teaches to use CF₄ to etch the light absorbing layer. Desphande discloses to etch the anti-reflective layer (ARC) using C₄F₆ CH₃F, or CF₄ (abstract, col. 12). The carbon to fluorine ratio for the C₄F₆ gas equals 2:3. The carbon to fluorine ratio of CH₃F equals to 1:1. It would have been obvious to one having ordinary skill in the art, at the time of invention, to modify Huang in view of Desphande by using C₄F₆ or CH₃F for etching the light absorbing layer because equivalent and substitution of one for the other would produce an expected result.

Respect to claim 2, Huang discloses forming a deep UV resist layer and exposing at least a portion of the deep UV resist layer to a light with wavelength of 193 nm or 157 nm (col. 8 lines 60-63; read on applicant's range of "200 m or less"). Respect to claim 3, Huang teaches to form a polymer (412) on the sidewalls of the deep UV resist layer (404) that substantially prevents the deep UV resist layer from being etch (col. 6 lines 10-67, col. 9 lines 47-60). Respect to claim 4, Huang discloses the deep UV resist layer (404) comprises a pre-etch sidewall angle that is substantially the same as a post etch sidewall angle (Fig 4a-4c). Respect to claim 5, Huang discloses etching the substrate in a plasma generated from a gas comprising C₄F₆ and a pressure at 40 mtorr (col. 9 lines 64-67, within applicant's range of 15-100 mtorr).

Respect to claim 8, Huang disclose the step of etching the light absorbing layer (i.e. antireflective layer) on a dielectric layer (SiO₂) and then etching the underlying dielectric layer using plasma from a C₄F₆ gas (col. 9 lines 25-37). Respect to claim 9, Huang discloses etching the light absorbing layer (antireflective layer) and then etching the dielectric layer (SiO₂) at a pressure of 40 mtorr and a power of 2500 watts (col. 9 line 64-67, within applicant's range of 15-100 mtorr and 1000-4000 watts). Respect to claim 11, Huang discloses the sidewall angel is perpendicular (See Fig 4).

Respect to claim 17, Huang discloses to pattern the antireflective layer to form a trench. Huang further discloses the trench having a uniform width (See Fig 4). Since the trench having uniform width, the ratio of the bottom width to a top width of the trench must equals to 1:1. The limitation of claim 18 has been discussed above under Desphande's reference.

Respect to claim 19, Huang discloses to use a power at 1200 Watts for etching the antireflective layer (col. 9 line 25-27). Claim 19 differs from Huang by the specific pressure value. Desphande discloses the pressure is a result effective variable range from 20-100 mtorr (col. 12 lines 34-35, within applicant's pressure range of 40-60 mtorr). The result effective variable is commonly determined by routine experiment. The process of conducting routine experiments so as to produce an expected result is obvious to one of ordinary skill in the art. Hence, it would have been obvious to one having ordinary skill in the art, at the time of invention to perform routine experiment to obtain optimal pressure value as an expected result.

5. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Huang in view of Desphande as applied to claim 1 above and further in view of Pfeiffer et al. (US 6,730,454).

Respect to claim 12, Huang fails to disclose the deep UV resist layer comprises an acrylic polymer. However, Huang clearly discloses to use 193 nm deep UV resist layer (col. 8 lines 60-61). Pfeiffer teaches to use 193 nm deep UV resist comprises acrylic polymer (col. 8 lines 45-50). It would have been obvious to one having ordinary skill in the art, at the time of invention, to modify Huang and Desphande in view of Pfeiffer by using acrylic polymer for the resist layer because equivalent and substitution of one for the other would produce an expected result.

6. Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang and Desphande in view of Lee et al. (US 6,080,680).

Claim 13 differs from Huang and Desphande by further disclosing that the etch rate of light absorbing layer and dielectric layer is from about 80 to 120 times faster than the etch rate of the deep UV resist layer (i.e. etch selectivity with respect to resist layer or resist selectivity). However, Huang clearly teaches the resist selectivity is a result effective variable (col. 5 lines 15-23). In an etching method, Lee discloses the selectivity of the dielectric layer with respect to photoresist layer is a result effective variable range from 80:1 to about 200:1 (col. 5 lines 65 to col. 6 line 1, within applicant's range). The result effective variable is commonly determined by routine experiment. The process of conducting routine experiments so as to produce an expected result is obvious to one of ordinary skill in the art. Hence, it would have been obvious to one having ordinary skill in the art, at the time of invention, to perform routine to obtain optimal selectivity value as an expected result.

The limitation of claim 14 has been discussed above under Desphande reference. Claim 15 differs from Huang by the specific pressure values. Desphande discloses the pressure is a result effective variable range from 20-100 mtorr (col. 12 lines 34-35, within applicant's pressure value). The result effective variable is commonly determined by routine experiment. The process of conducting routine experiments so as to produce an expected result is obvious to one of ordinary skill in the art. Hence, it would have been obvious to one having ordinary skill in the art, at the time of invention to perform routine experiment to obtain optimal pressure value as an expected result.

Allowable Subject Matter

Art Unit: 1765

7. Claim 6, 10, 16, 20-21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Claims 28-30 are allowed.

9. The following is a statement of reasons for the indication of allowable subject matter: Respect to claims 16, 20-21, and 28-30, the reasons for allowance were discussed in previous office action. Respect to claim 6, the cited prior arts fail to disclose the step of etching the sacrificial light absorbing layer and the dielectric layer with the power from 1000-4000 watts, C₄F₆ flow rate from 10-50 sccm, an argon flow rate from 100-1000 sccm, and nitrogen flow rate from 50-100 sccm. Respect to claim 10, the cited prior arts fails to disclose or suggest the step of etching the sacrificial layer an then etching the underlying dielectric layer in C₄F₆ gas flow from 10-500 sccm, an argon flow rate from 100-1000 sccm, and nitrogen flow rate from 50-100 sccm.

Response to Arguments

10. Respect to the claims 1-5, 7, 11, the applicants argue that "Huang does not teach or suggest all of the limitation of amended claims 1, from which claims 2-5, and 7, 11, depend, it is submitted that claims 1-5 and 7, 11 are not anticipated by Huang". The examiner agrees that the amended claim 1 is sufficient to over the 35 USC 102(e) rejections. However, since the applicants amended claim 1, the examiner provide a new ground of rejection as discussed above.

11. The applicants further argue that Huang teaches to use a gas comprising carbon to fluorine ratio of about 1:1 to about 2:3 (i.e. C₄F₆ gas), in order to utilizing sidewall

polymer formation to advantage. The applicants states, "Desphande does not disclose or suggest such a ratio for polymer formation. Therefore, one skill in the art would not be motivated to combine Desphande with Huang to solve this type of problem". The examiner disagrees. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Huang clearly teaches to use CF₄ to etch the light absorbing layer (i.e. antireflective layer). Desphande discloses to etch the anti-reflective layer (ARC) using C₄F₆, CH₃F, or CF₄ (abstract, col. 12). Since, Desphande clearly teaches it is possible to use either C₄F₆, CH₃F, or CF₄ for etching anti-reflective layer, the examiner still maintains that it is obvious to replacing CF₄ and substitute it with either C₄F₆ or CH₃F because equivalent and substitution of one for the other would produce an expected result.

Respect to claims 13-15, the applicant further argues that there is no motivation to combine Huang in view of Desphande and further in view of Lee. The examiner disagrees with the argument. The motivation to combine Huang and Desphande has been discussed above. The examiner also recognizes that Huang and Desphande fail to disclose that etch rate of light absorbing layer and dielectric layer is about 80 to 120 times faster than the etch rate of the deep UV resist layer (i.e. etch selectivity with

respect to resist layer or resist selectivity). However, Huang clearly teaches the resist selectivity is a result effective variable (col. 5 lines 15-23). In an etching method, Lee discloses the photoresist selectivity with respect to the dielectric layer is a result effective variable range from 80:1 to about 200:1 (col. 5 lines 65 to col. 6 line 1, within applicant's range). The result effective variable is commonly determined by routine experiment. The process of conducting routine experiments so as to produce an expected result is obvious to one of ordinary skill in the art. Further, by increasing the photoresist selectivity, the thickness of the photoresist can be reduced. Reducing the thickness of photoresist layer will reduce the cost for the material and reducing process time on the photoresist layer.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh X. Tran whose telephone number is (571) 272-1469. The examiner can normally be reached on Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nadine Norton can be reached on (571) 272-1465. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Binh X. Tran

NADINE G. NORTON
EXAMINER
ADVISORY DIVISION

